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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Becker et al.)
Application No. 09/890,665)
US National Phase of)
PCT/EP00/00876 filed)
November 26, 1999)
Filed: August 22, 2001)
For: Method for Detecting Analytes in a Sample)
and Support for this Purpose)

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**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.
371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Commissioner for Patents
BOX PCT
Washington, DC 20231

Sir:

In response to the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) which was mailed on September 19, 2001, Applicants submit herewith that the application contains no nucleotide sequence nor amino acid sequence. Accordingly, no sequence listing is due.

Further, Applicants submit that the Declaration of the inventors was mailed to the United States Patent Office on September 25, 2001. A Copy of the Transmittal Letter and Declaration and Power of Attorney are enclosed.

Respectfully submitted,

By: Mary Anthony Merchant, Ph.D.
Reg. No. 39,771

KILPATRICK STOCKTON LLP
Suite 2800 -1100 Peachtree Street
Atlanta, Georgia 30309-4530
(404)815-6500
Attorney Docket No.: 48498-0120 (48498-261648)

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I hereby certify that this correspondence is being deposited with the United States Postal Service addressed to Commissioner of Patents and Trademarks, Box PCT, Washington DC 20231, on October 23, 2001

Mary Anthony Merchant, Ph.D. - Reg. No. 39,771

Attorney's Docket Number
48498-0120 (48498-261640)

U.S. Application No.
(if known, see 37 CFR 1.5)

International Application No.

International Filing Date

Priority Date Claimed

PCT/EP00/00876

03 February 2000

03 February 1999

Title of Invention

METHOD OF DETECTING ANALYTES IN A SAMPLE AND
SUPPORT FOR THIS PURPOSE

Applicant(s) for DO/EO/US:

Becker, Peter and
Hörber, Heinrich

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
2. This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
3. This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. has been transmitted by the International Bureau.
 - c. is not required, as the application was filed in the United States Receiving Office (RO/US).
6. A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. have been transmitted by the International Bureau.
 - c. have not been made; however, the time limit for making such amendments has NOT expired.
 - d. have not been made and will not be made.
8. A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. A translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 16 below concern document(s) or information included:

11. An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. A FIRST preliminary amendment.
14. A SECOND or SUBSEQUENT preliminary amendment.
15. A substitute specification.
16. Other items or information: \$40 check for Assignment Recordation; Return Postcard; A Substitute Specification.

Express Mail Label No. EL602999762US

Date: 25 September 2001

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U.S. Application No. (if known,
see 37 CFR 1.5)

International Application No.

PCT/EP00/00876

Attorney's Docket Number

48498-0120 (48498-261640)

17. The following fees are submitted:

CALCULATIONS PTO USE ONLY

BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)):

Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO.....\$970.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO.....\$840.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO.....\$760.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4)\$670.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4)\$96.00

ENTER APPROPRIATE BASIC FEE AMOUNT =

Surcharge of \$130.00 for furnishing the oath or declaration later than 20 30 months from the earliest claimed priority date (37 CFR 1.492(e)).

Claims	Number Filed	Number Extra	Rate	\$
Total claims	0 - 20 =	0	x 18.00	\$.00
Independent Claims	2 - 3 =	0	x 78.00	\$.00
Multiple Dependent Claims (if applicable)			+ 260.00	\$.00
			TOTAL OF ABOVE CALCULATIONS =	\$.00
Reduction of 1/2 for filing by small entity, if applicable. A Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).				\$.00
			SUBTOTAL =	\$.00
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$.00
			TOTAL NATIONAL FEE =	\$.00
Fee for recording the enclosed assignment (37 CFR 1.21(b)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$ 40.00
			TOTAL FEES ENCLOSED =	\$ 40.00
			Amount to be refunded:	\$.00
			charged:	\$.00

a. A check in the amount of \$ _____ to cover the above fees is enclosed.
b. Please charge my Deposit Account No. 11-0855 in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.
c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 11-0855. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

John Pratt, Esq.
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Mary Anthony Merchant, Ph.D.
Reg. No. 39,771

FORM PTO-1390 (Rev. 1-98) adapted

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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NO.

09/890665

FIRST NAMED APPLICANT

BECKER

ATTY. DOCKET NO.

P 48498-0120(2)

INTERNATIONAL APPLICATION NO.

PCT/EP00/00876

I.A. FILING DATE PRIORITY DATE
03 FEB 2000 03 FEB 1999

DATE MAILED: 19 SEP 2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494) an Elected Office (37 CFR 1.495):
 - U.S. Basic National Fee. Indication of Small Entity Status.
 - Copy of the international application. Translation of the international application into English.
 - Oath or Declaration of inventor(s). Translation of Article 19 amendments into English.
 - Copy of Article 19 amendments. Other:
 - Priority Document.
 - The International Preliminary Examination Report in English and its Annexes, if any.
 - Translation of Annexes to the International Preliminary Examination Report into English.
2. Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.
 - U.S. Basic National Fee. Copy of the international application.
3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
 - a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 - b. The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
 - c. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
[REDACTED] The application (preferably by the international application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 - d. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
 - e. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)). PREPAID.
4. Additional claim fees of \$ **[REDACTED]** as a large entity small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

[REDACTED] PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED **[REDACTED] THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

[REDACTED] is reminded that any communication to the United States Patent and Trademark Office must be mailed to the application no. shown above. (37 CFR 1.5)

MUST be returned with this response.

 PTO-875

Notice of Defective Translation
 PCT/DO/EO/920

SHAKEEL AHMED

Telephone: 703 305 3659

FORM PCT/DO/EO/905 (March 2001)

SCANNED

DOCKETED FOR 11-19-2001

ENTERED COMPUTER ON 9-25-2001 548